

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

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|----------------------------------|---|--|
| UNITED STATES OF AMERICA, |) | Criminal Case No. 6:12cr00013-4 |
| |) | |
| v. |) | <u>MEMORANDUM OPINION</u> |
| |) | |
| PIERRE PENNIX, |) | By: Norman K. Moon |
| Petitioner. |) | United States District Judge |

Pierre Pennix, a federal inmate proceeding *pro se*, filed a motion which I construe as a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255. Upon review of the motion and court records, however, I conclude that the current § 2255 motion must be dismissed as an unauthorized, successive motion.

Pennix challenges his 188-month sentence for various drug offenses. Court records indicate that Pennix previously filed a § 2255 motion regarding the same conviction and sentence, which I dismissed. *See* Docket Nos. 170, 200, and 201. I may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. *See* § 2255(h). As Pennix has not submitted any evidence of having obtained certification from the Court of Appeals to file a second or successive § 2255 motion, I must dismiss the current action without prejudice.¹

ENTER: This 13th day of July, 2016.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE

¹ Further, to the extent Pennix asks for a sentence reduction, except in limited circumstances not present here, the court loses jurisdiction to modify a term of imprisonment once it has been imposed. 18 U.S.C. § 3582(c). And, to the extent he asks for modification of his term of supervised release, Pennix does not meet the requirements for such modification. 18 U.S.C. § 3583(e)(1).